

AO 91 (Rev. 02/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

United States District Court  
Southern District of Texas  
FILED

for the

Southern District of Texas

DEC 17 2015

United States of America

v.

Clerk of Court

Case No.

M-15-2162-M

1 Keith Merchant (YOB 1985, COB Bahamas) &  
2 Mirna Jacqueline Garcia (YOB 1986, COB Honduras)

Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

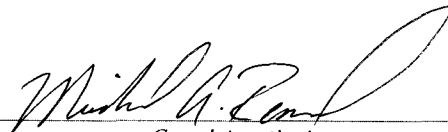
On or about the date of 12/16/2015 in the county of Hidalgo in the Southern District of  
Texas, the defendant violated Title 8 U. S. C. § 1324(a)(1)(A)(iii) & (a)(1)(A)(v)(I)

, an offense described as follows:

Knowing and in reckless disregard of the fact that Douglas E. Torres-Ramirez, Nefy J. Garcia-Zarate and Jose Serrano-Mendez attempted to come to, enter, or remain in the United States in violation of law, did knowingly conspire with others, known and unknown, to, and did, conceal, harbor, or shield from detection, or attempt to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation or otherwise in furtherance of such violation.

This criminal complaint is based on these facts:

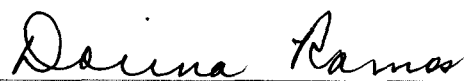
See Attachment "A"

☒ Continued on the attached sheet.

Complainant's signature

Michael A. Renaud, HSI Special Agent

Printed name and title

Approved Joseph Leonard  
Sworn to before me and signed in my presence.Date: 12/17/2015City and state: McAllen, Texas

Judge's signature

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment "A"

On December 16, 2015, Homeland Security Investigations, McAllen, Texas (HSI McAllen) Special Agents, assisted by agents with U.S. Customs and Border Protection, Office of Border Patrol (OBP) and the Hidalgo County Constable's Office, Precinct 4 executed a federal search warrant at 36803 West Mile 8 Road in Mission, Texas. After knocking and announcing, officers heard noises at the south side of the home. Upon searching the area where the noises were heard, officers discovered 16 individuals attempting to hide underneath the home. At the front door, HSI Special Agents identified the homeowners: Keith Merchant and Mirna Jacqueline Garcia.

The 16 individuals, along with Merchant and Garcia, were identified as undocumented aliens. While conducting the search warrant, HSI Special Agents discovered a 40 caliber handgun and a shotgun in the home. Additionally, officers seized human smuggling ledgers, a surveillance video system, numerous receipts and telephones.

HSI Special Agent Michael Renaud and Border Patrol Agent Porfirio Anaya read Merchant his Miranda Rights in the English language. Merchant waived his rights and agreed to speak with agents without an attorney. Merchant stated that he and his girlfriend (Garcia) have resided in their home for approximately 3 years. For approximately one month, he has been keeping undocumented aliens in their home. Merchant approximated this to be the 5<sup>th</sup> or 6<sup>th</sup> group of undocumented aliens he has concealed in his home. Merchant was supposed to be getting paid \$50 per day to keep the individuals concealed in his home but had not received any money yet. Merchant stated that the individuals were allowed to cook meals for themselves. Merchant denied ownership of the shotgun and handgun but stated he informed the undocumented aliens he had firearms in his home. Merchant stated he had 4 rounds of ammunition in the handgun and last handled the weapon the previous night(Tuesday).

HSI Special Agent Renaud and Border Patrol Agent Anaya read Garcia her Miranda Rights in the Spanish language. Garcia waived her rights and agreed to speak with agents without an attorney. Garcia, who stated she goes by the nickname "Jackie", informed agents that she and Merchant are unmarried and have two children together. Garcia stated that the 16 individuals that were found in her home, were all undocumented aliens. Garcia stated she and Merchant were supposed to get paid \$50 per alien, but had not received any money yet. Garcia stated that she has been keeping undocumented aliens in her house for approximately one month and that this was maybe the 3<sup>rd</sup> group she has kept in her home. Garcia stated that if a smuggler did not bring the individuals food, they were allowed to cook meals for themselves.

Border Patrol Agents interviewed Jose A. Serrano-Mendez, an undocumented alien from El Salvador who was arrested at the Merchant and Garcia home. Serrano-Mendez waived his Miranda Rights and agreed to speak with agents. Serrano-Mendez stated that Merchant, who he identified in a photo lineup, took him and the other undocumented aliens into his home, instructed them to eat, bathe, stay quiet and remain in their room. Serrano-Mendez stated he saw

Merchant carrying a long, black rifle with a pump action handle, sometimes pointing it at the undocumented aliens. Serrano-Mendez stated he heard Merchant ask the group of undocumented aliens once “do you want candy?” while racking the pump action of the weapon.

Serrano-Mendez also identified Garcia in a photo lineup. Serrano-Mendez stated that Garcia gave the undocumented aliens the same instructions that Merchant did. Additionally, Garcia would ask someone from the group of undocumented aliens to cook for everyone.

Border Patrol Agents interviewed Douglas E. Torrez-Ramirez, an undocumented alien from El Salvador who was arrested at the Merchant and Garcia home. Torrez-Ramirez waived his Miranda Rights and agreed to speak with agents. Torrez-Ramirez stated that Merchant, who he identified in a photo lineup, took him and the other undocumented aliens into his home, instructed them to bathe, not go outside, and to stay quiet. Torrez-Ramirez stated that Merchant told the group that he and his wife were the persons in charge of the house. Torrez-Ramirez informed agents that he saw Merchant, on five occasions, enter their room carrying a shotgun. Merchant would point the shotgun at them, telling them he(Merchant) was going to shoot them. Merchant informed one of the undocumented aliens that he purchased the shotgun for \$200. Torrez-Ramirez also saw Merchant carrying an automatic pistol in the house and engaged in conversation with some of the undocumented aliens about the weapon specifics. Torrez-Ramirez stated he felt intimidated by Merchant because of the weapons and felt that it was Merchant’s way of displaying his control over them.

Torrez-Ramirez also identified Garcia in a photo lineup as the person who was in charge of the home, along with Merchant. Garcia would sometimes cook for them and provide them with water. Garcia instructed them not to go outside or make noise.

Border Patrol Agents interviewed Nefy J. Garcia-Zarate, an undocumented alien from Guatemala who was arrested at the Merchant and Garcia home. Garcia-Zarate waived his Miranda Rights and agreed to speak with agents. Garcia-Zarate stated that upon entering the U.S. illegally, Merchant, who he identified in a photo lineup, drove him and other undocumented aliens to his home. Merchant ordered them to lay low until they arrived. Upon arriving, Merchant told them to quickly get out of the truck, remove their shoes and go inside his house. Merchant ordered Garcia-Zarate and the other undocumented aliens not to go outside, to stay quiet and not look out the windows. Garcia-Zarate stated he was afraid at times because Merchant, on about three occasions, would walk around with a shotgun. On one occasion, Merchant asked them ‘who wants candy?’ while waiving the shotgun in the air and racking the weapon pump.

Garcia-Zarate also identified Garcia in a photo lineup as the person who was in charge of the home, along with Merchant. Garcia would sometimes wash their clothes and instruct them when they could prepare meals. Garcia instructed them not to go outside, stay in their room, not to look out the window and not make noise.